

REMARKS

A. Allowable Claims

The Applicants wish to thank the Examiner for indicating that claims 2, 5, 6, 8, 11 and 12 would be allowable if rewritten in independent form. However, the Applicants believe that these claims are patentable in their present form without such amendments for at least the reasons set forth below.

B. Claim Objections

Claims 8, 11 and 12 were objected to by the Examiner. The Applicants have revised these claims as well as claim 7. Accordingly, these objections are now believed to be moot.

C. The Section 103 Rejections

Claims 1, 3, 4, 7, 9 and 10 were rejected under 35 U.S.C. §103(a) based on U.S. Patent No. 6,438,101 to Kalampoukas et. al. (the “101 Patent”). Applicants respectfully disagree and traverse these rejections for at least the following reasons.

Each of the claims includes the features of: (a) estimating delay and rate variances associated with at least one wireless link; and (b) modifying a receive window value of an acknowledgment packet based on the estimates, among other features.

In contrast, the '101 Patent explicitly states that it does not use delay to modify an acknowledgment window (see column 3, lines 12-14). Further, as the Examiner acknowledges, the '101 Patent is not applicable to wireless networks (see page 3 of the Office Action).

The Examiner takes the position that despite the shortcomings of the '101 Patent described above, that "it would have been obvious to one skilled in the art.....to implement method [sic] of [the '101 patent] in a wireless network." The Applicants disagree. Most (if not all) congestion control techniques used in wireless networks take delay into consideration because it is highly likely that such networks will be affected by delay. Knowing this, those skilled in the art, it is respectfully submitted, would conclude that the '101 Patent is unrelated to wireless networks/systems and would not modify its teachings for use in a wireless network.

Accordingly, Applicants respectfully submit that the '101 Patent does not render claims 1-12 obvious and, therefore, respectfully request withdrawal of the rejections and allowance of claims 1-12.

In the event this Response does not place the present application in condition for allowance, Applicants request that the Examiner contact the undersigned at (703) 266-3330 to schedule a personal interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit

Account No. 50-3777 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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